

the court in *U.S. v. Eichman*, another 5-4 ruling, by the way, struck down a Federal statute prohibiting the physical desecration of the flag despite the court's own conclusion that the statute was content-neutral.

In the years since these two rulings were handed down, 49 States have passed resolutions calling upon this Congress to pass a flag protection amendment and send it back to the States for ratification. Although a constitutional amendment should be approached only after much reflection, the U.S. Supreme Court's conclusions in the Johnson and the Eichman cases have left the American people with no other alternative but to amend the Constitution to provide Congress the authority to prohibit the physical desecration of the American flag. The amendment enjoys strong support throughout the Nation, indicating that it will likely be adopted by the States should this Congress approve the language.

I urge my colleagues to approve this rule and move to full debate and pass H.J. Res. 36.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, this rule allows the well-settled law of this nation to be called into question at the whim of special interest groups who disagree with the value we Americans place on freedom of speech. By allowing this debate to occur, the leadership has signaled its intention to favor its ideological companions without regard for legal precedent or constitutional muster.

In 1989 the Supreme Court was faced with a difficult balancing test. *Texas v. Johnson*, 491 U.S. 397, forced the court to examine whether the interests of this nation in protecting the symbol of its freedom are outweighed by the individual freedoms of its citizens. The Court did not shy away from this dilemma, holding that the government cannot prohibit the expression of an idea society finds offensive, and that not even the flag is recognized as an exception to this principle.

Following this rights-affirming decision, Congress passed the "Flag Protection Act of 1989," which attempted to criminalize the conduct of those who might use the flag for free speech purposes. The next session the Supreme Court invalidated this law on the same grounds it ruled on during its previous session. The Court held that attempting to preserve the physical integrity of the flag is only related to the flag as an article of speech or conduct in *United States v. Eichman*, 496 U.S. 310 (1990).

Now, Mr. Speaker, over ten years later, Congress is again attempting to impermissibly affect the ability of citizens to speak freely by taking the notoriously grave step of amending the Constitution of the United States. Supporters of this amendment argue that the step is warranted considering the Supreme Court's opinion on the flag; I contend the Supreme Court's opinion requires my opposition to this rule.

Mr. Speaker, it has almost become cliché to point out that we are a nation of laws, not persons. However, in this circumstance, that is exactly my point. The Supreme Court has spoken in an unambiguous way about the bal-

ancing of interests between the flag and the rights of individuals. On two separate occasions the right of individuals to speak has won.

Instead of honoring the decisions of the Court, and thereby respecting the separation of powers within the federal government, the House leadership instead chose to play politics with the law. On this day we begin subjecting legal opinions to the whims of the legislative branch in a new and chilling way. Any coalition with close enough ties to the majority might hope to see their pet project ratified as an amendment to our Constitution.

Mr. Speaker, not only this resolution, but also this very debate cast a long shadow over our long history of separation of powers. I contend it is our rights as citizens and our legal system that suffer. I oppose this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING MILITARY AND DEFENSE CONTRACTOR PERSONNEL RESPONSIBLE FOR SUCCESSFUL BALLISTIC MISSILE TEST

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001, and for other purposes.

The Clerk read as follows:

H. RES. 195

Whereas at 11:09 p.m., eastern daylight time on July 14, 2001, the United States successfully tested an interceptor missile against a target Minuteman intercontinental ballistic missile in flight;

Whereas the target missile was launched from Vandenberg Air Force Base, California, and was traveling at approximately 140 miles above the Earth at a speed of greater than 11,000 feet per second, which is more than three times faster than a high-powered rifle bullet, when struck by the interceptor missile;

Whereas the interceptor missile was also traveling at a speed greater than 11,000 feet per second at the time of impact;

Whereas more than 35,000 Americans contributed to the successful test, including the Air Force team which launched the target missile from Vandenberg Air Force Base and the Army team which developed the radar and kill vehicle, the Navy and Coast Guard team which provided security for the test, the Ballistic Missile Defense Organization team which supervised the testing program, and the contractor team consisting of thousands of American scientists, engineers, and blue collar workers employed by the prime contractors and hundreds of small businesses; and

Whereas the House of Representatives understands that testing of ballistic missile defenses will involve many failures as well as successes in the future, the House of Representatives nonetheless commends the ef-

fort and ingenuity of those who worked so hard to make the test a success: Now, therefore, be it

Resolved, That the House of Representatives thanks and commends the thousands of United States military and Government personnel, contractors, engineers, scientists, and workers who worked diligently to make the July 14, 2001, missile defense intercept test a success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans sometimes do great things. At 11:09 p.m. Eastern Standard Time last Saturday, the work of some 35,000 Americans, including service personnel from the Air Force, the Navy, the Coast Guard, and the Army combined to produce a wondrous success in our missile defense testing program.

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It was extraordinary, Mr. Speaker. We had an interceptor that was launched from Vanderbilt Air Force Base in California, heading west, achieving a speed of some 11,000 feet per second, or more than three times faster than a high powered rifle bullet; and an interceptor was launched from Kwajalein Island, also achieving a speed of close to 11,000 feet per second, also going much faster than a rifle bullet; and at 11:09 eastern time that interceptor successfully hit the target vehicle and destroyed it 148 miles above the Earth over the Western Pacific.

Mr. Speaker, I think Americans need to draw a number of conclusions from this very successful test. First, it is absolutely appropriate that we in the House of Representatives commend all the great people who worked on this program, and we intend to do that fully. Of course, the Army developed the radar and the kill vehicle working from their missile defense headquarters in Huntsville, Alabama. The Air Force in this case launched the Minuteman missile, which was the target missile, from Vanderbilt Air Force Base. We had Navy and Coast Guard monitoring and providing security in the Pacific. So we had thousands and thousands of men and women in uniform supporting these tests, all the way from folks who were doing basic security work to folks who were doing some very high-level physics work.

Along with that, we had lots of Americans, scientists, engineers, blue-collar workers, some working for major contractors and others working for small business. One thing we have learned in this missile defense business is that the innovators, sometimes the smartest guys, are in the companies with 20, 30, 40, 50 people, and all of these people combined to produce a success that was stupendous. It was remarkable.